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International Covenant on Civil and Political Rights

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Meeting of the States Parties to the International Covenant on Civil and Political Rights

Thirty-sixth Meeting

Summary record of the 43rd meeting
Held at Headquarters, New York, on Thursday, 14 June 2018, at 10 a.m.

Temporary Chair: Ms. Hui Lu ..... (Representative of the Secretary-General)
Chair: Ms. Bogyay ..... (Hungary)

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The meeting was called to order at 10.05 a.m.

Opening of the Meeting by the representative of the Secretary-General

1. **The Temporary Chair**, speaking on behalf of the Secretary-General, declared open the thirty-sixth Meeting of the States Parties to the International Covenant on Civil and Political Rights, the main purpose of which was to hold elections to the Human Rights Committee, in accordance with part IV of the Covenant.

2. Since the thirty-fifth Meeting, Sao Tome and Principe and the Marshall Islands had become parties to the Covenant, bringing the number of States parties to 170. In addition, Sao Tome and Principe had become party to the Optional Protocol, and Qatar had acceded to the Covenant. Four States had also become party to the Second Optional Protocol aiming at the abolition of the death penalty. Although that reflected the continuing interest in advancing the goals and objectives of the Covenant, there was still some way to go towards the goal of universal ratification. In the year of the commemoration of both the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action, she once again appealed to those States that had not ratified the Covenant to consider doing so.

3. The workload of the Human Rights Committee had continued to grow. Since 2016 it had examined 38 reports submitted by States parties and one country situation in the absence of a report, under rule 70 of its rules of procedure. In an attempt to reduce the backlog of reports and ensure timely consideration, the Committee had been considering an average of six or seven reports per session. With regard to communications, the Committee had adopted final decisions on 237 communications in the past two years. However, a backlog of some 700 communications pending examination remained; the pace of registration had steadily increased. Unless there was a significant increase in the capacity of the Secretariat to prepare communications for consideration, the ability to address the backlog would be seriously compromised. Regrettably, the General Assembly had not granted all the resources requested in order to assist with reducing the backlog for treaty bodies.

4. The Committee had continued to adopt lists of issues prior to reporting under the simplified reporting procedure, and had examined 21 reports under that procedure to date. It was in the process of assessing and evaluating the effectiveness of the simplified reporting procedure and would be able to share its findings in the near future.

5. The Committee was continuing its work on the drafting of a general comment on article 6 of the Covenant on right to life, and had completed its first reading of the text. In response to its request it had received comments on the draft from 23 States parties. In light of those comments it was working through the second reading of the text. Furthermore, the Committee was revising its rules of procedure in order to fully reflect the developments taking place in relation to its working methods.

6. As to nominations and elections, General Assembly resolution 68/268 encouraged States parties to continue their efforts to nominate experts of high moral standing and recognized competence and experience in the field of human rights, in particular the field covered by the relevant treaty, and to consider adopting national policies or processes with respect to the nomination of experts as candidates for human rights treaty bodies. She drew attention to the documentation provided by the High Commissioner for Human Rights, pursuant to that resolution, reporting on the current situation with respect to the composition of the treaty body and reflecting the balance in terms of geographical distribution and gender representation, professional background and different legal systems, as well as the tenure of current members.

Election of the Chair

7. **Mr. Bessho** (Japan) nominated Ms. Bogyay (Hungary) for the office of Chair of the Meeting.

8. *Ms. Bogyay (Hungary) was elected Chair by acclamation.*

9. *Ms. Bogyay (Hungary) took the Chair.*

Adoption of the agenda (CCPR/SP/88)

10. *The agenda was adopted.*

Election of other officers of the Meeting

11. *Ms. Alvarez (Plurinational State of Bolivia) and Ms. Brink (Australia) were elected Vice-Chairs by acclamation.*

12. **The Chair** drew attention to rules 2 and 3 of the rules of procedure (CCPR/SP/2/Rev.1). Rule 2 provided that the credentials of representatives and the names of members of the delegation should be submitted to the Secretary-General not later than one week before a Meeting and that such credentials should be issued by the Head of State or Government or by the Minister for

Foreign Affairs. In a note of 8 May 2018, the Secretary-General had invited States parties to forward to him the credentials of their representatives, but a number of them had not yet done so. She suggested that, in accordance with rule 3, the representatives of those States parties should be entitled provisionally to participate in the Meeting. She urged them to ensure that their credentials were submitted to the Secretary-General as soon as possible.

13. *It was so decided.*

Election, in accordance with articles 28-32 of the International Covenant on Civil and Political Rights, of nine members of the Human Rights Committee to replace those whose terms would expire on 31 December 2018

14. **The Chair** said that the terms of the following nine members of the Human Rights Committee were due to expire on 31 December 2018: Mr. Ben Achour (Tunisia), Ms. Cleveland (United States of America), Mr. de Frouville (France), Mr. Iwasawa (Japan), Ms. Jelic (Montenegro), Mr. Muhumuza (Uganda), Ms. Pazartzis (Greece), Mr. Politi (Italy), and Ms. Waterval (Suriname).

15. She drew attention to the list of 18 candidates nominated by States parties in document CCPR/SP/89. After that document had been issued, the nomination of the candidate from Togo and the nomination of the candidate from Montenegro had been withdrawn. The nomination of the candidate from Namibia had been received after the deadline and was reflected in document CCPR/SP/89/Add.1. She invited the Meeting to elect nine candidates by secret ballot from the remaining list of 17 candidates.

16. *At the invitation of the Chair, Ms. Mehdiyeva (Azerbaijan), Ms. Wanner (Austria), Ms. Clara de Vassil (El Salvador), Ms. Gebremedhin (Eritrea) and Mr. Jung Min (Republic of Korea) acted as tellers.*

17. *A vote was taken by secret ballot.*

Number of ballot papers:	169
Number of valid ballots:	169
Number of representatives voting:	169
Required majority:	85
Number of votes obtained:	
Mr. Ben Achour (Tunisia)	137
Mr. Bulkan (Guyana)	120
Ms. Tigroudja (France)	116
Ms. Sancin (Slovenia)	111
Ms. Pazartzis (Greece)	98
Mr. Furuya (Japan)	96
Mr. Muhumuza Laki (Uganda)	94
Mr. Zyberi (Albania)	94
Mr. Quezada Cabrera (Chile)	81
Mr. Prosper (United States of America)	79
Mr. Avtonomov (Russian Federation)	73
Mr. Horn (Namibia)	73
Mr. Yigezu (Ethiopia)	72
Mr. Schrijver (Netherlands)	57
Mr. Zavala Egas (Ecuador)	54
Mr. Pomi (Uruguay)	50
Ms. Gyulumyan (Armenia)	34

18. *Having obtained the required majority and the largest number of votes, Mr. Ben Achour (Tunisia), Mr. Bulkan (Guyana), Ms. Tigroudja (France), Ms. Sancin (Slovenia) Ms. Pazartzis (Greece), Mr. Furuya (Japan) Mr. Muhumuza Laki (Uganda) and Mr. Zyberi (Albania) were elected members of the Human Rights Committee for a term ending on 31 December 2022.*

19. **The Chair**, in accordance with rule 15 of the rules of procedure, invited the meeting to elect one more member of the Human Rights Committee in a second ballot restricted to those candidates who had obtained the largest number of votes without having obtained the required majority, to a number not exceeding twice the number of places remaining to be filled.

20. *A vote was taken by secret ballot.*

Number of ballot papers:	169
Number of invalid ballots:	1
Number of valid ballots:	168
Abstentions:	4
Number of representatives voting:	164
Required majority:	83
Number of votes obtained:	
Mr. Quezada Cabrera (Chile)	101
Mr. Prosper (United States of America)	63

21. *Having obtained the required majority and the largest number of votes, Mr. Quezada Cabrera (Chile) was elected member of the Human Rights Committee for a term ending on 31 December 2022.*

Other matters

22. **Ms. Khusanova** (Russian Federation), commenting on the activities of the Human Rights Committee, said that her delegation noted with concern the growing tendency towards independent re-examination by treaty bodies of the relevant international treaties, both in terms of the obligations of States parties and working methods. Those attempts were aimed at broadening the interpretation of international norms which had nothing to do with the substance of the treaties. She was concerned in

particular with the general comment on article 6 concerning the right to life. The Committee had proposed vague definitions of the concept which would create new obligations for States parties. The provisions of the Covenant regulating the functions of the Committee, however, did not include the creation of new norms. General comments were merely the private opinions of Committee experts and therefore could not impose new obligations beyond the parameters of the Covenant unless the State took them on voluntarily.

23. The follow-up procedure adopted by the Committee represented an unjustified increase in the workload of the treaty bodies that placed an additional burden on States; furthermore the requested resources for the procedure had not been provided. In the view of her delegation, the regular submission of periodic reports by States parties remained the best tool, as those reports contained information on the implementation of earlier concluding observations and recommendations.

24. Her delegation also questioned the legitimacy of the planned joint meetings and coordination sessions between the Human Rights Committee and the Committee on Economic, Social and Cultural Rights as well as the plan for joint examination of individual communications. Not all States parties to both instruments had accepted the communications procedure, and such attempts to combine their work went beyond the scope of the legal instruments establishing them. Her delegation also saw no legal basis for the recent practice of publishing so-called open letters addressed to States on the Committee website; that practice was counterproductive and not conducive to constructive dialogue.

25. Furthermore, only the politicization of the Committee's work could explain the decision on an individual complaint of a violation regarding events that had taken place thirty years before the Union of Soviet Socialist Republics and the Russian Federation as the successor State had become party to the Covenant, thus violating the principle prohibiting the retroactive use of legal norms. The Russian Federation noted the separate opinions of four Committee experts, but did not recognize the conclusion drawn in that case.

Closure of the Meeting

26. **The Chair** declared closed the thirty-sixth Meeting of the States Parties to the International Covenant on Civil and Political Rights.

The meeting rose at 12.35 p.m.